

## REMARKS

The above Amendments and these Remarks are in reply to the Final Office Action mailed January 5, 2007. Claims 1-40 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner allowed claims 21-34 and rejected claims 1-20 and 35-40. The present Response amends claims 1 and 35-39, leaving for the Examiner's present consideration claims 1-20, and 35-40. Reconsideration of the rejections is respectfully requested.

### **I. Claim Rejections – 35 USC § 102**

Claims 1-13, 16, 18-20, 35, 36, 37, 38 and 39 are rejected under 35 USC 102(b) as being anticipated by Takino, *et al.* in "Computer Numerically Controlled Plasma Chemical Vaporization Machining with a Pipe Electrode for Optical Fabrication", Applied Optics, Vol. 37, No. 2, pages 5198-5210.

Takino teaches a plasma Chemical Vapor Machining (CVM) device, which uses an electrode and suffers from several drawbacks inherent to the method as detailed in [0016]-[0017] of the current application, namely limits on process rate, removal rate and fines-scale material removal, and difficulty in modeling and control. In contrast, the present invention utilizes an ICP torch that is highly-controllable and precise, and it does not require electrodes ([0039]). Claims 1 and 35-39 have been revised to include such distinction, and thus cannot be anticipated by Takino. Since claims 2-13, 16, 18-20 depend on claim 1, Takino cannot anticipate the present invention in claims 1-13, 16, 18-20, 35-39, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

### **II. Claim Rejections – 35 USC § 103**

1. Claim 17 is rejected under 35 USC § 103(a) as being unpatentable over Takino, *et al.* in view of Fabel U.S. Patent No. 4,674,683.

Fabel teaches a plasma flame gun with an adjustable ratio of radial and tangential plasma gas flow. It does not intend to shape a surface of a workpiece nor utilize a plasma torch. As previously discussed, Takino cannot anticipate the torch in claim 1 either. Therefore, neither Takino nor Fabel can anticipate the torch in claim 1. Since claim 17 depends on claim 1, claim 17 cannot be rendered obvious under 35 U.S.C. § 103(a) over Takino in view of Fabel, and Applicant respectfully requests that the rejection with respect to claim 17 be withdrawn.

2. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takino et al in view of Seo (US 6,534,921).

Seo teaches a method of removing metal-containing polymeric material and ion implanted or plasma damaged photoresist from a surface using a plasma jet system. It does not teach the use of a plasma (ICP) torch. As previously discussed, Takino cannot anticipate the torch in claim 1 either. Therefore, neither Takino nor Seo can anticipate the torch in claim 1. Since claims 14-15 depend on

claim 1, they cannot be rendered obvious under 35 U.S.C. § 103(a) over Takino in view of Seo, and Applicant respectfully requests that the rejection with respect to claims 14-15 be withdrawn.

**III. Allowable Claims**

Applicants appreciate the indication that claims 21-34 are allowable.

**IV. Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: March 30, 2007

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